

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF SOUTH CAROLINA  
 ROCK HILL DIVISION

SYLVIA CHEEK,	)	Civil Action No. 0:20-cv-03921-JD-PJG
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
KILOLO KIJAKAZI, <sup>1</sup>	)	
Acting Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant.	)	

This matter is before the Court by way of a Motion to Remand by Defendant Kilolo Kijakazi, Acting Commissioner of the Social Security Administration. (DE 16.) Pursuant to the power of the Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand with consent of the Plaintiff of this action for further proceedings, it is hereby

**ORDERED** that the decision of the Commissioner is **VACATED** and this case is remanded to an administrative law judge under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings consistent with Defendant's Memorandum in Support of its Motion.<sup>2</sup> See Shalala v. Schaefer, 509 U.S. 292 (1993).

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

<sup>2</sup> The Clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.

**IT IS SO ORDERED.**



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Joseph Dawson, III  
United States District Judge

Greenville, South Carolina  
November 23, 2021